AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, ML Wastewater Management, Inc. is authorized by the United States Environmental Protection Agency (EPA), Region 5, to discharge from a treatment facility designated as the Mille Lacs Wastewater Treatment Facility located on the Mille Lacs Indian Reservation, Vineland, Minnesota, Mille Lacs County (the N.E. quarter of the S.W. quarter of Section 30, Township 43N, Range 27W) to a wetland followed by an unnamed tributary which flows to Ogechie Lake, in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, and IV hereof.

This permit and the authorization to discharge shall expire at midnight, [insert five years from the effective date]. The permittee shall not discharge after the above date of expiration. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by the EPA no later than 180 days prior to the above date of expiration.

This permit shall become effective 30 days from the date of signature.

Signed and Dated _____, 2003

_____
Director, Water Division

Treatment Facility Description:

The applicant is proposing to build a new treatment facility. The proposed treatment facility will consist of primary treatment with static screen and grit removal, followed by biological treatment using sequencing batch reactors. Phosphorus removal will be accomplished by chemical addition and equalization. The wastewater will go through ultraviolet disinfection then will be discharged to a wetland followed by an unnamed tributary which flows to Ogechie Lake. If it is determined through predischarge monitoring of the wetland that a diffuser is needed, one will be installed. Sludge will be treated by aerobic digestion and gravity thickening. The sludge will then be land applied to agricultural fields within the Mille Lacs Reservation.

The facility is being designed to treat an average wet weather flow of 0.625 million gallons per day of mostly domestic wastewater. This facility is intended to be a regional facility that will treat wastewater from the Vineland Indian Community area and the Garrison Kathio West Mille Lacs Lake Sanitary District. The Sanitary District includes the City of Garrison and the Townships of Garrison and Kathio.

This facility is being built to replace existing wastewater stabilization lagoons covered under NPDES Permit Number MN-0058629. The Mille Lacs Band of Ojibwe has yet to determine the fate of the existing lagoons. One option is total closure with reclamation of the land. If this option is chosen, sludge (biosolids) from the bottom of the ponds will be removed in accordance with applicable sludge regulations. Another option is to use the lagoons as emergency holding lagoons if the new plant experiences an upset. Wastewater would than be pumped back to the new facility for full treatment when it returns to service. During times when the lagoons are being used for this purpose, there will be no discharges allowed to surface waters from the lagoons.

A. Final Effluent Limitations

From the Effective Date of the permit until the Expiration Date, the permittee is authorized to discharge from Outfall 001. Such discharge shall be limited and monitored by the permittee as specified below and in Part I.B. Load limits were computed using an average wet weather flow of 0.625 mgd. Flow itself is not a limited parameter.

Continuous Discharge Limitations

Effluent Parameter	30 Day Average			7 Day Average	
	kg/d	mg/L	% Removal*	kg/d	mg/L
Carbonaceous Biochemical Oxygen Demand ($CBOD_5$)	59	25	85	94	40
Total Suspended Solids (TSS)	71	30	85	106	45
Total Phosphorus	2.4	1.0			
Fecal Coliform (Applicable April 1 through October 31)	200 Organisms/100 ml**				

The pH shall not be less than 6.0 nor greater than 9.0.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

The discharge shall not contain oil or other substances in amounts sufficient to create a visible sheen on the surface of the receiving waters.

NOTE: kg/d = kilograms per day
mg/L = milligrams per liter

* For the average during the discharge period, the effluent concentration for $CBOD_5$ and TSS shall not exceed 15 percent of the arithmetic mean of the value for influent samples for $CBOD_5$ and TSS collected during the related treatment period.

** Geometric Mean (See Part II, Section E.7.b.)

B. Final Monitoring Requirements

Parameter	Frequency	Sample Type	Notes
Influent Flow	Daily	Continuous	
Influent $CBOD_5$	3 x Weekly	24 hour composite	(2)
Influent TSS	3 x Weekly	24 hour composite	(2)
Influent pH	3 x Weekly	Grab	(1)(2)
Influent Total Phosphorus (as P)	3 x Weekly	24 hour composite	(2)
Effluent Flow	Daily	Continuous	
Effluent $CBOD_5$	3 x Weekly	24 hour composite	(2)
Effluent TSS	3 x Weekly	24 hour composite	(2)
Effluent Fecal Coliform	3 x Weekly	Grab	(2)
Effluent D.O.	3 x Weekly	Grab	(1)(2)
Effluent pH	3 x Weekly	Grab	(1)(2)
Effluent Ammonia	3 x Weekly	24 hour composite	(2)
Effluent Total Phosphorus (as P)	3 x Weekly	24 hour composite	(2)

Notes:

(1) Analyze immediately.

(2) Samples shall be taken on alternating days, including Saturday and Sunday if the treatment facility is manned during those days.

C. Special Conditions

1. Representative samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Reporting - The permittee shall record all monitoring results required by Part I.A. and Part I.B. on Discharge Monitoring Report (DMR) forms. One form shall be used for each month whether or not a discharge occurred during the month.

   The DMR forms shall be mailed to EPA, on a quarterly basis, and postmarked no later than the 21st day of the month (April, July, October, January)following the quarter for which the monitoring was completed. The permittee shall retain a copy of all reports submitted. All reports shall be mailed to:

   U.S. Environmental Protection Agency
   Water Division - Water Enforcement and Compliance
   Assurance Branch
   Attention: Chief, Minnesota Section - WC-15J
   77 West Jackson Boulevard
   Chicago, Illinois 60604

3. The treatment facility shall be operated by a Class B certified operator 180 days prior to the facility's initial operation and discharge.

   The permittee shall submit to EPA at the address in Part I.C.2. a report no later than 14 days following the completion of the certification process, indicating, a) the date the operator received certification and a copy of the certification, or b) that the certification was not completed, the reasons for non-completion, and the anticipated completion date.

4. Wetland Protection/Monitoring Plan

   a. To assure that water quality of the discharge wetland and downstream waters (Ogechie Lake and Rum River) is maintained, monitoring is required to demonstrate that the discharge does not adversely affect the integrity of the wetland. Monitoring results are intended to document that the discharge does not have a significant impact on the wetland and downstream waters. The permittee shall submit as soon as possible but no later than 90 days from the effective date of the permit, a wetland protection/monitoring plan using guidance provided by EPA for review and approval by EPA. The wetland protection/monitoring plan should include provisions for predischarge sampling to help establish a baseline loading condition within the wetland. The wetland protection/monitoring plan should also include provisions for year-round sampling within the wetland complex to confirm actual nutrient loading from the wetland to Ogechie Lake. It should also include a sampling regimen for Ogechie Lake itself that is designed to provide information to support future determinations of nondegradation tied to the discharge. The permittee may implement the wetland protection/monitoring plan prior to approval with the understanding that the wetland protection/monitoring plan may have to be revised.

b. Additional monitoring may be required based on the data that are collected as part of the wetland protection/monitoring plan. If the chemical and /or biological monitoring results show that the wetland complex or downstream waters is changing due to the discharge, in excess of an agreed upon level in the approved wetland protection/monitoring plan, then additional limitations and corrective actions may be applied through the NPDES permit. These limitations and corrective actions may include, though not limited to, the following: (1) more stringent effluent limitations, (2) reductions in flow discharged to the wetland complex, (3) displacing the discharge over a larger area of the wetland complex, and/or (4) undertake wetland mitigation to replace lost wetland resources.

c. If it is determined through the predischarge monitoring, as part of the wetland protection/monitoring plan that a diffuser is needed to reduce the potential for a stream channel to form in the discharge wetland, the permittee shall design and install a flow dispersion device to better distribute the hydraulic load to the wetland complex in a manner that more closely approximates the current flow path.

5. Pretreatment Requirements

a. The permittee shall comply with all applicable requirements 40 CFR Part 403 to prevent any pass through of pollutants or any inhibition or disruption of the permittee’s facility, its treatment process, or its sludge process or disposal, which contributes to the violation of the conditions of this permit or any federal, state, or local law or regulation.

b. The permittee shall prohibit the discharge of the following to its wastewater treatment facility:

1. pollutants which create a fire or explosion hazard, including any discharge with a flash point less than 60 degrees C (140 degrees F);

2. pollutants which would cause corrosive structural damage, including any waste stream with a pH of less than 5.0;

3. solid or viscous pollutants which would obstruct flow;

4. heat that would inhibit biological activity, including any discharge that would cause the temperature of the waste stream at the WWTF to exceed 40 degrees C (104 degrees F);

5. pollutants which produce toxic gases, vapors, or fumes that may endanger the health or safety of workers; or

6. new sources of non-contact cooling waters, unless there are no cost-effective alternatives.

c. The permittee shall prohibit new discharges of non-contact cooling waters unless there are no cost-effective alternatives. Existing discharges of non-contact cooling water to the WWTF shall be eliminated, where elimination is cost-effective, or where an infiltration/inflow analysis and sewer system evaluation survey indicates the need for such removal.

d. If the permittee accepts trucked-in wastes, the permittee shall evaluate the trucked in waste prior to acceptance in the same manner as it monitors sewered wastes. The permittee shall accept trucked-in wastes only at specifically designated points.

e. The permittee shall make no agreement with any user that would allow the user to contribute an amount or strength of wastewater that would cause violation of any limitation or requirement in this permit, or any applicable federal, state, or local law or regulation.

6. In addition to the sludge land application requirements in Part III of the permit, the following requirements also apply to the permittee;

a. The application contractor has received all necessary information to comply with applicable provisions of 40 CFR Part 503.

b. Duty to mitigate. The permittee shall take all reasonable steps to minimize any sludge use or disposal in violation of this permit.

c. If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or Part 503, the results of this monitoring shall be included in the reporting of data submitted to the Agency.

d. The permittee shall comply with existing federal regulations governing sewage sludge disposal.

e. The permittee shall comply with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish the standards for sewage sludge use or disposal even if the permit has not been modified to incorporate the requirement.

f. The permittee shall ensure that the applicable requirements in 40 CFR Part 503 are met when the sewage sludge is applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator.

g. The permittee shall only land apply on the following site:

1. <u>Site 001- former Keller Farm:</u> T43N, R27W, NE 1/4 of the SW 1/4 of Section 30

The permit only allows this site to be used. If additional sites are needed, the permit may be modified, with public notice, to include the additional sites.

7. When the new facility becomes operational, the existing wastewater stabilization lagoons will stop accepting wastewater on a regular basis and NPDES Permit Number MN-0058629 will be terminated. The permittee is allowed to use the existing lagoons as emergency holding/storage lagoons during times of facility upset. There shall be no discharge to the Mille Lacs Lake watershed from the existing lagoons once NPDES Permit Number MN-0058629 is terminated. Any wastewater transferred to the existing lagoons from the new facility will be transferred back to the new facility when the new facility returns to normal operation. The permittee shall report to EPA with the discharge monitoring report forms the frequency and amount of wastewater transferred to the existing lagoons.

PART II

STANDARD CONDITIONS FOR NPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

2. Penalties for Violation of Permit Conditions

The Permit Issuing Authority will adjust the civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (Federal Register: December 31, 1996, Volume 61, Number 252, pages 69359-69366, as corrected, March 20, 1997, Volume 62, Number 54, pages 13514-13517) as mandated by the Debt Collection Improvement Act of 1996 for inflation on a periodic basis. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every four years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties listed below were adjusted for inflation starting in 1996.

a. Criminal

(1) Negligent Violations The Act provides that any person who negligently violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

(2) Knowing Violations The Act provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

(3) Knowing Endangerment The Act provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than $250,000, or by imprisonment for not more than 15 years, or both.

b. Civil Penalties - The Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed $27,500 per day for each violation.

c. Administrative Penalties - The Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

(1) Class I penalty Not to exceed $11,000 per violation nor shall the maximum amount exceed $27,500.

(2) Class II penalty Not to exceed $11,000 per day for each day during which the violation continues nor shall the maximum amount exceed $137,500.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, terminated or revoked for cause (as described in 40 CFR 122.62 et. seq) including, but not limited to, the following:

a. Violation of any terms or conditions of this permit;

b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

c. A change in any conditions that requires either temporary interruptions or elimination of the permitted discharge; or

d. Information newly acquired by the Agency indicating the discharge poses a threat to human health or welfare.

If the permittee believes that any past or planned activity would be cause for modification or revocation and reissuance under 40 CFR 122.62, the permittee must report such information to the Permit Issuing Authority. The submittal of a new application may be required of the permittee. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5. Toxic Pollutants

Notwithstanding Paragraph A-4, above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee so notified.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

6. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" Part II, Section B, Paragraph B-3, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

8. State/Tribal Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State/Tribal law or regulation under authority preserved by Section 510 of the Act.

9. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringement of Federal, State, Tribal, or local laws or regulations.

10. Onshore or Offshore Construction

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any waters of the United States.

11. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

12. Duty to Provide Information

The permittee shall furnish to the Permit Issuing Authority, within a reasonable time, any information which the Permit Issuing Authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Permit Issuing Authority, upon request, copies of records required to be kept by this permit.

13. Right of Appeal

Within thirty (30) days of receipt of notice of a final permit decision, the permittee may petition the Environmental Appeals Board to review any condition of the permit decision. The petition should be sent to the following address:

Environmental Appeals Board, MC 1103B
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

The petition shall include a statement of the reasons supporting that review in accordance with 40 CFR Part 124.19(a).

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control

(and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this permit.

3. Bypass of Treatment Facilities

a. Definitions

(1) "Bypass means the intentional diversion of waste streams from any portion of a treatment facility, which is not a designed or established operating mode for the facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraph c. and d. of this section.

c. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten 10 days before the date of the bypass, including an evaluation of the anticipated quality and effect of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section D, Paragraph D-8 (24-hour notice).

d. Prohibition of bypass.

(1) Bypass is prohibited and the Permit Issuing Authority may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There was no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notice as required under Paragraph c. of this section.

(2) The Permit Issuing Authority may approve an anticipated bypass, after considering its adverse effects, if the Permit Issuing Authority determines that it will meet the three conditions listed above in Paragraph d. (1) of this section.

4. Upsets

"Upsets" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonably control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit limitation if the requirements of 40 CFR 122.41(n)(3) are met.

5. Removed Substances

This permit does not authorize discharge of solids, sludge, filter backwash, or other pollutants removed in the course of treatment or control of wastewater to waters of the United States unless specifically limited in Part I.

SECTION C. MONITORING AND RECORDS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Permit Issuing Authority.

2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than $\pm$ 10 percent from the true discharge rates throughout the range of expected discharge volumes. Once-through condenser cooling water flow which is monitored by pump logs, or pump hours meters as specified in Part I of this permit, and based on the manufacturer's pump curves, shall not be subject to this requirement. Guidance in selection, installation, calibration, and operation of acceptable flow measurements devices can be obtained from the following references:

(1) "A Guide of Methods and Standards for the Measurement of Water Flow", U.S. Department of Commerce, National Bureau of Standards, and Special Publication 421, May 1975, 97 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by SD Catalog No. C13.10:421.)

(2) "Water Measurement Manual", U.S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by Catalog No. 127.19/2:W29/2, Stock No. S/N 24003-0027.)

(3) "Flow Measurement in Open Channels and Closed Conduits", U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Service (NTIS), Springfield, VA 22151. Order by NTIS No. PB-273 535/5ST.)

(4) "NPDES Compliance Flow Measurement Manual", U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MOD-77, September 1981, 135 pp. (Available from the General Services Building 41, Denver Federal Center, Denver, CO 80225.)

3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

4. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under he Act shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or by both. (See Section 309(c)(4) of the Clean Water Act).

5. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by the Permit Issuing Authority at any time.

6. Records Contents

Records of monitoring information shall include:

a. The date, exact place, and time of sampling or measurements;

b. The individual(s) who performed the sampling or measurements;

c. The date(s) analyses were performed;

d. The individual(s) who performed the analyses;

e. The analytical techniques or methods used; and

f. The results of such analyses.

7. Inspection and Entry

The permittee shall allow the Permit Issuing Authority, or an authorized representative, upon the presentation of

credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times the facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

SECTION D. REPORTING REQUIREMENTS

1. Change in Discharge

The permittee shall give notice to the Permit Issuing Authority, as soon as possible, of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source; or

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D, Paragraph D-10(a).

2. Anticipated Noncompliance

The permittee shall give advance notice to the Permit Issuing Authority of any planned change in the permitted facility or activity which may result in noncompliance with permit requirements. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Permit Issuing Authority.

3. Transfer of Ownership or Control

A permit may be automatically transferred to another party if:

a. The permittee notifies the Permit Issuing Authority of the proposed transfer at least 30 days in advance of the proposed transfer date;

b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them, and

c. The Permit Issuing Authority does not notify the existing permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph b.

4. Monitoring Reports

See Part I.C.2 of this permit.

5. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of this data submitted in the Discharge Monitoring Report (DMR). Such increased frequency shall also be indicated.

6. Averaging of Measurements

Calculations for limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Permit Issuing Authority in the permit.

7. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule data. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

8. Twenty-Four Hour Reporting

The permittee shall orally report any noncompliance which may endanger health or the environment, within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Permit Issuing Authority may verbally waive the written report, on a case-by-case basis, when the oral report is made.

The following violations shall be included in the 24-hour report when they might endanger health or the environment.

a. An unanticipated bypass which exceeds any effluent limitation in the permit

b. Any upset which exceeds any effluent limitation in the permit.

9. Other Noncompliance

The permittee shall report, in narrative form, all instances of noncompliance not previously reported under Section D, Paragraphs D-2, D-4, D-7, and D-8 at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph D-8.

10. Changes In Discharges of Toxic Substances

The permittee shall notify the Permit Issuing Authority as soon as it knows or has reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic substance(s) (listed at 40 CFR 122, Appendix D, Table II and III) which is not listed in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) One hundred micrograms per liter (100 ug/L);

(2) Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2, 4-dinitrophenol and for 2 methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony; or

(3) Five (5) times the maximum concentration value reported for that pollutant(s) in the permit application.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant (listed at 40 CFR 122, Appendix D. Table II and III) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) Five hundred micrograms per liter (500 ug/L);

(2) One milligram per liter (1 mg/L) for antimony; or

(3) Ten (10) times the maximum concentration value reported for that pollutant(s) in the permit application.

11. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit. The Permit Issuing Authority may grant permission to submit an application less than 180 days in advance but not later than the permit expiration date.

Where EPA is the Permit Issuing Authority, the terms and conditions of this permit are automatically continued in

accordance with 40 CFR 122.6, only where the permittee has submitted a timely and sufficient application for a renewal permit and the Permit Issuing Authority is unable through no fault of the permittee to issue a new permit before the expiration date.

12. Signatory Requirements

All applications, reports, or information submitted to the Permit Issuing Authority shall be signed and certified.

a. All permit applications shall be signed as follows:

(1) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy - or decision making functions for the corporation, or

(2) the manager of one manufacturing production or operating facility employing more than 250 persons or having gross annual sales of expenditures exceeding 25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(3) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively: or

(4) For a municipality, State, Federal, or other public agency; by either a principal executive officer or ranking elected official.

b. All reports required by the permit and other information requested by the Permit Issuing Authority shall be signed by a person described above or by a duly authorized representative of that person. A person is duly authorized representative only if:

(1) The authorization is made in writing by a person described above;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

(3) The written authorization is submitted to the Permit Issuing Authority.

c. Certification. Any person signing a document under paragraphs (a) or (b) of this section shall make the following certification:

"I certify under penalty of law that this document and all attachment were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including, the possibility of fine and imprisonment for knowing violations."

13. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Permit Issuing Authority. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

14. Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under the Act, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or by both. (See Section 309(c)(4) of the Clean Water Act).

SECTION E. DEFINITIONS FOR PARTS I AND II

1. Permit Issuing Authority

The Regional Administrator of EPA, Region 5 or his designee, unless at some time in the future the Tribe receives authority to administer the NPDES program and assumes jurisdiction over the permit; at which time, the Director/Chairman of the Tribal program receiving authorization becomes the issuing authority.

2. Act

"Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) Public Law 92-500, as amended, 33 U.S.C. 1251 et seq.

3. Mass/Day Measurements

a. The "30-day average discharge" is defined as the total mass of all daily discharges sampled and/or measured during a consecutive 30 day period on which daily discharges are sampled and measured, divided by the number of daily discharges samples and/or measured during such period. It is therefore, an arithmetic mean found by adding the weights of the pollutant found each day of the consecutive 30 day period and then dividing this sum by the number of days the tests were reported. The limitation is identified as "Daily Average" or "30-day Average" in Part I of the permit and the average monthly discharge value is reported in the "Average" Column under "Quantity" on the Discharge Monitoring Report (DMR).

b. The "7-day average discharge" is defined as the total mass of all daily discharges sampled and/or measured during a consecutive 7 day period on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such period. It is, therefore, an arithmetic mean found by adding the weights of pollutants found each day of the consecutive 7 day period and then dividing this sum by the number of days the tests were reported. This limitation is identified as "7-day Average" in Part I of the permit and the highest average weekly discharge value is reported in the "Maximum" column under "Quantity" on the DMR.

c. The "maximum daily average" is the total mass (weight) of a pollutant discharge during a calendar day. If only one sample is taken during any calendar day, the weight of pollutant calculated from it is the "maximum daily discharge". This limitation is identified as "Daily Maximum", in Part I of the permit and one highest such value recorded during the reporting period is reported in the "Maximum" column under "Quantity" on the DMR.

d. The "average annual discharge" is defined as the total mass of all daily discharges sampled and/or measured during the calendar year on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such year. It is, therefore, an arithmetic mean found by adding the weights of pollutants found each day of the year and then dividing the sum by number of days the test were reported. This limitation is defined as "Annual Average" in Part I of the permit and the average annual discharge value is reported in the "Average" column under "Quantity" on the DMR. The DMR for this report shall be submitted in January for the previous reporting calendar year.

4. Concentration Measurements

a. The "30-day average concentration", other than for fecal coliform bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a consecutive 30 day period on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such period (arithmetic mean of the daily concentration values). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all the samples collected during a calender day. The 30-day average count for fecal coliform bacteria is the geometric mean of the counts for samples collected during a consecutive 30 day period. This limitation is identified as "30-day Average" or "Daily Average" in Part I of the permit and the average monthly concentration value is reported under the "Average" column under "Quality" on the DMR.

b. The "7-day average concentration", other than for fecal coliform bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a consecutive 7 day period on which daily discharges are sampled and measured divided by the number of daily discharges sampled and/or measured during such period (arithmetic mean of the daily concentration value). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all the samples collected during that calendar day. The 7-day average count for fecal coliform bacteria is the geometric mean of the counts for samples collected

during a consecutive 7 day period. This limitation is identified as "7-day Average" in Part I of the permit and the highest 7-day average concentration value is reported under the "Maximum" column under "Quality" on the DMR.

c. The "maximum daily concentration" is the concentration of a pollutant discharge during a calendar day. It is identified as "Daily Maximum" in Part I of the permit and the highest such value recorded during the reporting period is reported under the "Maximum" column under "Quality" on the DMR.

d. The "average annual concentration", other than for fecal coliform bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a calendar year on which daily discharges are sampled and measured divided by the number of daily discharges sampled and/or measured during such year (arithmetic mean of the daily concentration values). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all samples collected during that calendar day. The average yearly count for fecal coliform bacteria is the geometric mean of the counts for samples collected during a calendar year. This limitation is identified as "Annual Average" in Part I of the permit and the average annual concentration value is reported under the "Average" column under "Quality" on the DMR. The DMR for this report shall be submitted in January for the previous reporting year.

5. Other Measurements

a. The effluent flow expressed as M^3/day (MGD) is the 24 hour average flow averaged monthly. It is the arithmetic mean of the total daily flows recorded during the calendar month. Where monitoring requirements for flow are specified in Part I of the permit the flow rate values are reported in the "Average" column under "Quantity" on the DMR.

b. An "instantaneous flow measurement" is a measure of flow taken at the time of sampling, when both the sample and flow will be representative of the total discharge.

c. Where monitoring requirements for pH, dissolved oxygen or fecal coliform bacteria are specified in Part I of the permit, the values are generally reported in the "Quality of Concentration" column on the DMR.

6. Types of Samples

a. Composite Sample: A "composite sample" is a combination of not less than 8 influent or effluent portions, of at least 100 ml, collected over the full time period specified in Part I.A. The composite sample must be flow proportioned by either time interval between each aliquot or by volume as it relates to effluent flow at the time of sampling of total flow since collection of the previous aliquot. Aliquots may be collected manually or automatically.

b. Grab Sample: A "grab sample" is a single influent or effluent portion of at least 100 ml which is not a composite sample. The sample(s) shall be collected at the period(s) most representative of the total discharge.

7. Calculation of Means

a. Arithmetic Mean: The arithmetic mean of any set of values is the summation of the individual values divided by the number of individual values.

b. Geometric Mean: The geometric mean of any set of values is the N^{th} root of the product of the individual values where N is equal to the number of individual values. The geometric mean is equivalent to the antilogy of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered to be one (1).

c. Weighted by Flow Value: Weighted by flow value means the summation of each concentration times its respective flow divided by the summation of the respective flows.

8. Calendar Day

A calendar day is defined as the period from midnight of one day until midnight of the next day. However, for purposes of this permit, any consecutive 24-hour period that reasonably represents the calendar day may be used for sampling.

9. Hazardous Substance

A hazardous substance means any substances designed under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

10. Toxic Pollutant

A toxic pollutant is any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act.

11. Significant Industrial User

Significant industrial user is a nondomestic user that: 1) is subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR Chapter I, Subchapter N; or 2) discharges an average of 25,000 gallons per day or more of process wastewater to a POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the permittee as defined in 40 CFR Part 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's treatment plant operation or violating any pretreatment standard or requirement (in accordance with 40 CFR Part 403.8(f)(6)).

PART III

SEWAGE SLUDGE REQUIREMENTS

INSTRUCTIONS TO PERMITTEES

Select only those Sections which apply to your sludge reuse or disposal practice.

If the quality of your sludge varies (for example, Section II and Section III of Element I apply) use a separate Discharge Monitoring Report (DMR) for each Section that is applicable.

The sludge DMRs shall be due by February 19th of each year and shall cover the previous January through December time period.

The sludge conditions do not apply to wastewater treatment lagoons where sludge is not wasted for final reuse/disposal. If the sludge is not removed, the permittee shall indicate on the DMR "No Discharge".

ELEMENT 1 - LAND APPLICATION

ELEMENT 1 - LAND APPLICATION

SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE LAND APPLICATION

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge in accordance with Section 405 of the Clean Water Act and all other applicable Federal regulations to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants which may be present in the sludge.

2. If requirements for sludge management practices or pollutant criteria become more stringent than the sludge pollutant limits or acceptable management practices in this permit, or control a pollutant not listed in this permit, this permit may be modified or revoked and reissued to conform to the requirements promulgated at Section 405(d)(2) of the Clean Water Act. If new limits for Molybdenum are promulgated prior to permit expiration, then those limits shall become directly enforceable.

3. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.

4. The permittee shall give prior notice to EPA (Chief, NPDES Support and Technical Assistance Branch, Water Division, Mail Code WN-16J, EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604) of any planned changes in the sewage sludge disposal practice, in accordance with 40 CFR Part 122.41(l)(1)(iii). These changes may justify the application of permit conditions that are different from or absent in the existing permit. Change in the sludge use or disposal practice may be cause for modification of the permit in accordance with 40 CFR Part 122.62(a)(1).

B. Testing Requirements

1. Sewage sludge shall not be applied to the land if the concentration of the pollutants exceed the pollutant concentration criteria in Table 1. The frequency of testing for pollutants in Table 1 is found in Element 1, Section I.C.

TABLE 1

Pollutant	Ceiling Concentration (milligrams per kilogram)*
Arsenic	75
Cadmium	85
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
PCBs	49
Selenium	100
Zinc	7500

* Dry weight basis

2. Pathogen Control

All sewage sludge that is applied to agricultural land, forest, a public contact site,

or a reclamation site shall be treated by either the Class A or Class B pathogen requirements. Sewage sludge that is applied to a lawn or home garden shall be treated by the Class A pathogen requirements. Sewage sludge that is sold or given away in a bag shall be treated by Class A pathogen requirements.

a. Six alternatives are available to demonstrate compliance with Class A sewage sludge. All 6 options require either the density of fecal coliform in the sewage sludge be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed; at the time the sewage sludge is prepared for sale or given away in a bag or other container for application to the land. Below are the additional requirements necessary to meet the definition of a Class A sludge.

   Alternative 1 - The temperature of the sewage sludge that is used or disposed shall be maintained at a specific value for a period of time. See 503.32(a)(3)(ii) for specific information.

   Alternative 2 - The pH of the sewage sludge that is used or disposed shall be raised to above 12 and shall remain above 12 for 72 hours.

   The temperature of the sewage sludge shall be above 52 degrees Celsius for 12 hours or longer during the period that the pH of the sewage sludge is above 12.

   At the end of the 72 hour period during which the pH of the sewage sludge is above 12, the sewage sludge shall be air dried to achieve a percent solids in the sewage sludge greater than 50 percent.

   Alternative 3 - The sewage sludge shall be analyzed for enteric viruses prior to pathogen treatment. The limit for enteric viruses is one Plaque-forming Unit per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 503.32(a)(5)(ii) for specific information. The sewage sludge shall be analyzed for viable helminth ova prior to pathogen treatment. The limit for viable helminth ova is less than one per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 503.32(a)(5)(iii) for specific information.

   Alternative 4 - The density of enteric viruses in the sewage sludge shall be less than one Plaque-forming Unit per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed or at the time the sludge is prepared for sale or give away in a bag or other container for application to the land.

   The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed or at the time the sewage sludge is prepared for sale or give away in a bag or other container for application to the land.

   Alternative 5 - Sewage sludge shall be treated by one of the Processes to Further Reduce Pathogens (PFRP) described in 503 Appendix B. PFRPs include composting, heat drying, heat treatment, and thermophilic aerobic digestion.

   Alternative 6 - Sewage sludge shall be treated by a process that is equivalent to a Process to Further Reduce Pathogens, if individually approved by the Pathogen Equivalency Committee representing the EPA.

b. Three alternatives are available to demonstrate compliance with Class B sewage sludge.

   Alternative 1 -(i) Seven random samples of the sewage sludge that is used or disposed shall be collected.

   (ii) The geometric mean of the density of fecal coliform in the samples collected shall be less than either 2,000,000 MPN per gram of total

solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

Alternative 2 -Sewage sludge shall be treated in one of the Processes to significantly Reduce Pathogens described in 503 Appendix B.

Alternative 3 -Sewage sludge shall be treated in a process that is equivalent to a PSRP, if individually approved by the Pathogen Equivalency Committee representing the EPA.

In addition, the following site restrictions must be met if Class B sludge is land applied:

i. Food crops with harvested parts that touch the sewage sludge/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of sewage sludge.

ii. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of sewage sludge when the sewage sludge remains on the land surface for 4 months or longer prior to incorporation into the soil.

iii. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of sewage sludge when the sewage sludge remains on the land surface for less than 4 months prior to incorporation into the soil.

iv. Food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of sewage sludge.

v. Animals shall not be allowed to graze on the land for 30 days after application of sewage sludge.

vi. Turf grown on land where sewage sludge is applied shall not be harvested for 1 year after application of the sewage sludge when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by the permitting authority.

vii. Public access to land with a high potential for public exposure shall be restricted for 1 year after application of sewage sludge.

viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of sewage sludge.

3. Vector Attraction Reduction Requirements

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall be treated by one of the following alternatives 1 through 10 for Vector Attraction Reduction. If bulk sewage sludge is applied to a home garden, or bagged sewage sludge is applied to the land, only alternative 1 through alternative 8 shall be used.

Alternative 1 -The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38 percent.

Alternative 2 -If Alternative 1 cannot be met for an anaerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30 and 37 degrees Celsius. Volatile solids must be reduced by less than 17 percent to demonstrate compliance.

Alternative 3 -If Alternative 1 cannot be met for an aerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge with a percent solids of two percent or less aerobically in the laboratory in a

bench-scale unit for 30 additional days at 20 degrees Celsius. Volatile solids must be reduced by less than 15 percent to demonstrate compliance.

Alternative 4 -The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20 degrees Celsius.

Alternative 5 -Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40 degrees Celsius and the average temperature of the sewage sludge shall be higher than 45 degrees Celsius.

Alternative 6 -The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali shall remain at 12 or higher for two hours and then at 11.5 or higher for an additional 22 hours.

Alternative 7 -The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75 percent based on the moisture content and total solids prior to mixing with other materials. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

Alternative 8 -The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90 percent based on the moisture content and total solids prior to mixing with other materials. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

Alternative 9 -(i)Sewage sludge shall be injected below the surface of the land.

(ii)No significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected.

(iii)When sewage sludge that is injected below the surface of the land is Class A with respect to pathogens, the sewage sludge shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

Alternative 10 -(i)Sewage sludge applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land, unless otherwise specified by the permitting authority.

(ii)When sewage sludge that is incorporated into the soil is Class A with respect to pathogens, the sewage sludge shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

C. Monitoring Requirements

All pollutants shall be monitored at the frequency shown below:

Amount of sewage sludge* (metric tons per 365 day period)	Frequency
0 ≤ Sludge < 290	Once/Year
290 ≤ Sludge < 1,500	Once/Quarter
1,500 ≤ Sludge < 15,000	Once/Two Months

15,000 ≤ Sludge Once/Month

* Either the amount of bulk sewage sludge applied to the land or the amount of sewage sludge received by a person who prepares sewage sludge that is sold or given away in a bag or other container for application to the land (dry weight basis).

After the sewage sludge has been monitored for two years at the frequency shown above, the permitting authority may reduce the frequency of monitoring for pollutant concentrations and for the pathogen densities in Element 1, Section I.B.2.a, Alternative 3.

Representative samples of sewage sludge shall be collected and analyzed in accordance with the methods referenced in 40 CFR 503.8(b).

SECTION II. REQUIREMENTS SPECIFIC TO BULK SEWAGE SLUDGE FOR APPLICATION TO THE LAND MEETING CLASS A or B PATHOGEN REDUCTION AND THE CUMULATIVE LOADING RATES IN TABLE 2, OR CLASS B PATHOGEN REDUCTION AND THE POLLUTANT CONCENTRATIONS IN TABLE 3

For those permittees meeting Class A or B pathogen reduction requirements and that meet the cumulative loading rates in Table 2 below, or the Class B pathogen reduction requirements and contain concentrations of pollutants below those listed in Table 3 found in Element I, Section III, the following conditions apply:

1. Pollutant Limits

Table 2

Pollutant	Cumulative Pollutant Loading Rate (kilograms per hectare)
Arsenic	41
Cadmium	39
Copper	1500
Lead	300
Mercury	17
Molybdenum	Report
Nickel	420
Selenium	100
Zinc	2800

2. Pathogen Control

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, a reclamation site, or lawn or home garden shall be treated by either Class A or Class B pathogen reduction requirements as defined above in Element 1, Section I.B.2.

3. Management Practices

a. Bulk sewage sludge shall not be applied to the land if it is likely to adversely affect a threatened or endangered species listed under Section 4 of the Endangered Species Act or its designated critical habitat.

b. Bulk sewage sludge shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters of the U.S., as defined in 40 CFR 122.2, except as provided in a permit issued pursuant to section 404 of the CWA.

c. Bulk sewage sludge shall not be applied within 10 meters of a water of the U.S.

d. Bulk sewage sludge shall be applied at or below the agronomic rate in accordance with recommendations from the following references:

i. STANDARDS 1992, Standards, Engineering Practices and Data, 39th Edition (1992) American Society of Agricultural Engineers, 2950 Niles Road, St. Joseph, MI 49085-9659.

ii. National Engineering Handbook Part 651, Agricultural Waste Management Field Handbook (1992), P.O. Box 2890, Washington, D.C. 20013.

iii. Recommendations of local extension services or Soil Conservation Services.

iv. Recommendations of a major University's Agronomic Department.

v. Minnesota Rule 7041.1200and 7041.3000

e. An information sheet shall be provided to the person who receives bulk sewage sludge sold or given away. The information sheet shall contain the following information:

i. The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.

ii. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instructions on the label or information sheet.

iii. The annual whole sludge application rate for the sewage sludge that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Element I, Section III below are met.

4. Notification requirements

a. If bulk sewage sludge is applied to land outside the exterior boundaries of the Indian Reservation in which the sludge is prepared, written notice shall be provided prior to the initial land application to the permitting authority for the State in which the bulk sewage sludge is proposed to be applied. The notice shall include:

i. The location, by either street address or latitude and longitude, of each land application site.

ii. The approximate time period bulk sewage sludge will be applied to the site.

iii. The name, address, telephone number, and National Pollutant Discharge Elimination System permit number (if appropriate) for the person who prepares the bulk sewage sludge.

iv. The name, address, telephone number, and National Pollutant Discharge Elimination System permit number (if appropriate) for the person who will apply the bulk sewage sludge.

b. The permittee shall give 60 days prior notice to the Chief of the NPDES Support and Technical Assistance Branch of any change planned in the sewage sludge practice. Any change shall include any planned physical alterations or additions to the permitted treatment works, changes in the permittee's sludge use or disposal practice, and also alterations, additions, or deletions of disposal sites. These changes may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional disposal sites not reported during the permit

application process or absent in the existing permit. Change in the sludge use or disposal practice may be cause for modification of the permit in accordance with 40 CFR 122.62(a)(1).

c. If the sewage sludge will be land applied outside the exterior boundaries of the Indian Reservation within the State of Minnesota, the permittee shall comply with the permitting and site approval requirements of Minnesota Rule 7041.0600.

5. Recordkeeping Requirements - The sludge documents will be retained on site at the same location as other NPDES records.

The person who prepares bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information for five years. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for recordkeeping found in 40 CFR 503.17 for persons who land apply.

a. The concentration (mg/Kg) in the sludge of each pollutant listed in Table 3 found in Element I, Section III and the applicable pollutant concentration criteria (mg/Kg), or the applicable cumulative pollutant loading rate and the applicable cumulative pollutant loading rate limit (kg/ha) listed in Table 2 above.

b. A description of how the pathogen reduction requirements are met (including site restrictions for Class B sludges, if applicable).

c. A description of how the vector attraction reduction requirements are met.

d. A description of how the management practices listed above in Section II.3 are being met.

e. The recommended agronomic loading rate from the references listed in Section II.3.d. above, as well as the actual agronomic loading rate shall be retained.

f. A description of how the site restrictions in 40 CFR Part 503.32(b)(5) are met for each site on which Class B bulk sewage sludge is applied.

g. The following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the management practices in §503.14 was prepared for each site on which bulk sewage sludge was applied under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including fine and imprisonment."

h. A certification statement that all applicable requirements (specifically listed) have been met, and that the permittee understands that there are significant penalties for false certification including fine and imprisonment. See 40 CFR 503.17(a)(4)(i)(B) or 40 CFR Part 503.17(a)(5)(i)(B) as applicable to the permittees sludge treatment activities.

i. The permittee shall maintain information that describes future geographical areas where sludge may be land applied.

j. The permittee shall maintain information identifying site selection criteria regarding land application sites not identified at the time of permit application submission.

k. The permittee shall maintain information regarding how future land application

sites will be managed.

The person who prepares bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information indefinitely if they land applying in accordance with Table 2. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for recordkeeping found in 40 CFR 503.17 for persons who land apply.

a. The location, by either street address or latitude and longitude, of each site on which sludge is applied.

b. The number of hectares in each site on which bulk sludge is applied.

c. The date sludge is applied to each site.

d. The cumulative amount of each pollutant in kilograms/hectare listed in Table 2 applied to each site.

e. The total amount of sludge applied to each site in metric tons.

f. The following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the requirement to obtain information in §503.12(e)(2) was prepared for each site on which bulk sewage sludge was applied under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including fine and imprisonment."

g. A description of how the requirements to obtain information in §503.12(e)(2) are met.

6. Reporting Requirements - The permittee shall report annually on the DMR the following information:

a. Pollutant Table (2 or 3) appropriate for permittee's land application practices.

b. The frequency of monitoring listed in Element 1, Section I.C. which applies to the permittee.

c. The concentration (mg/Kg) in the sludge of each pollutant listed in Table 1 as well as the applicable pollutant concentration criteria (mg/Kg) listed in Table 3 (defined as a monthly average) found in Element 1, Section III, or the applicable pollutant loading rate limit (kg/ha) listed in Table 2 above if it exceeds 90% of the limit.

d. Level of pathogen reduction achieved (Class A or Class B).

e. Alternative used as listed in Section I.B.2.(a. or b.). Alternatives describe how the pathogen reduction requirements are met. If Class B sludge, include information on how site restrictions were met in the DMR comment section or attach a separate sheet to the DMR.

f. Vector attraction reduction alternative used as listed in Section I.B.3.

g. Annual sludge production in dry metric tons/year.
h. Amount of sludge land applied in dry metric tons/year.

i. Amount of sludge transported interstate in dry metric tons/year.

j. The certification statement listed in 503.17(a)(4)(i)(B) or 503.17(a)(5)(i)(B) whichever applies to the permittees sludge treatment activities shall be attached to the DMR.

k. When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate for that pollutant, as described in Table 2, the permittee shall report the following information as an attachment to the DMR.

i. The location, by either street address or latitude and longitude.

ii. The number of hectares in each site on which bulk sewage sludge is applied.

iii. The date bulk sewage sludge is applied to each site.

iv. The cumulative amount of each pollutant (i.e., kilograms/hectare) listed in Table 2 in the bulk sewage sludge applied to each site.

v. The amount of sewage sludge (i.e., metric tons) applied to each site.

vi. The following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the requirement to obtain information in §503.12(e)(2) was prepared for each site on which bulk sewage sludge was applied under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including fine and imprisonment."

vii. A description of how the requirements to obtain information in 40 CFR 503.12(e)(2) are met.

SECTION III. REQUIREMENTS SPECIFIC TO BULK OR BAGGED SEWAGE SLUDGE MEETING POLLUTANT CONCENTRATIONS IN TABLE 3 AND CLASS A PATHOGEN REDUCTION REQUIREMENTS AND ONE OF THE VECTOR ATTRACTION REDUCTION ALTERNATIVES 1-8

For those permittees with sludge that contains concentrations of pollutants below those pollutant limits listed in Table 3 for bulk or bagged (containerized) sewage sludge, meets the Class A pathogen reduction requirements, and also one of the vector attraction reduction alternative 1-8, the following conditions apply (Note: All bagged sewage sludge must be treated by Class A pathogen reduction requirements.):

1. Pollutant limits - The concentration of the pollutants in the municipal sewage sludge is at or below the values listed.

Table 3

Pollutant	Monthly Average Concentration (milligrams per kilogram)*
Arsenic	41
Cadmium	39
Copper	1500
Lead	300
Mercury	17
Molybdenum	Report
Nickel	420

Selenium	100
Zinc	2800

* Dry weight basis

2. Pathogen Control

   All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, a reclamation site, or lawn or home garden shall be treated by the Class A pathogen reduction requirements as defined above in Element I, Section I.B.2. All bagged sewage sludge must be treated by Class A pathogen reduction requirements.

3. Management Practices - None.

4. Notification Requirements - None.

5. Recordkeeping Requirements - The permittee shall develop the following information and shall retain the information for five years. The sludge documents will be retained on site at the same location as other NPDES records.

   a. The concentration (mg/Kg) in the sludge of each pollutant listed in Table 3 and the applicable pollutant concentration criteria listed in Table 3.

   b. A certification statement that all applicable requirements (specifically listed) have been met, and that the permittee understands that there are significant penalties for false certification including fine and imprisonment. See 503.17(a)(1)(ii) or 503.17(a)(3)(i)(B), whichever applies to the permittees sludge treatment activities.

   c. A description of how the Class A pathogen reduction requirements are met.

   d. A description of how the vector attraction reduction requirements are met.

6. Reporting Requirements - The permittee shall report annually on the DMR the following information:

   a. Pollutant Table 3 appropriate for permittee's land application practices.

   b. The frequency of monitoring listed in Element 1, Section I.C. which applies to the permittee.

   c. The concentration (mg/Kg) in the sludge of each pollutant listed in Table 1 (defined as a monthly average) found in Element 1, Section I. In addition, the applicable pollutant concentration criteria listed in Table 3 should be included on the DMR.

   d. Pathogen reduction Alternative used for Class A bagged or bulk sludge as listed in Section I.B.2.a.

   e. Vector attraction reduction Alternative used as listed in Section I.B.3.

   f. Annual sludge production in dry metric tons/year.

   g. Amount of sludge land applied in dry metric tons/year.

   h. Amount of sludge transported interstate in dry metric tons/year.

   i. The certification statement listed in 503.17(a)(1)(ii) or 503.17(a)(3)(i)(B), whichever applies to the permittees sludge treatment activities, shall be

attached to the DMR.

SECTION IV. REQUIREMENTS SPECIFIC TO SLUDGE SOLD OR GIVEN AWAY IN A BAG OR OTHER CONTAINER FOR APPLICATION TO THE LAND THAT DOES NOT MEET THE POLLUTANT CONCENTRATIONS IN TABLE 3

1. Pollutant Limits

Table 4

Pollutant	Annual Pollutant Loading Rate (kilograms per hectare per 365 day period)
Arsenic	2
Cadmium	1.9
Copper	75
Lead	15
Mercury	0.85
Molybdenum	Report
Nickel	21
Selenium	5
Zinc	140

2. Pathogen Control

All sewage sludge that is sold or given away in a bag or other container for application to the land shall be treated by the Class A pathogen requirements as defined in Section I.B.2.a.

3. Management Practices

Either a label shall be affixed to the bag or other container in which sewage sludge that is sold or given away for application to the land, or an information sheet shall be provided to the person who receives sewage sludge sold or given away in an other container for application to the land. The label or information sheet shall contain the following information:

a. The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.

b. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instructions on the label or information sheet.

c. The annual whole sludge application rate for the sewage sludge that will not cause any of the annual pollutant loading rates in Table 4 above to be exceeded.

4. Notification Requirements - None.

5. Recordkeeping Requirements - The sludge documents will be retained on site at the same location as other NPDES records.

The person who prepares sewage sludge or a sewage sludge material shall develop the following information and shall retain the information for five years.

a. The concentration in the sludge of each pollutant listed above in found in Element I, Section I, Table 1.

b. The following certification statement found in 503.17(a)(6)(iii).

"I certify, under penalty of law, that the information that will be used to determine compliance with the management practices in §503.14(e), the Class A

pathogen requirement in §503.32(a), and the vector attraction reduction requirement in (insert vector attraction reduction option) was prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment".

c. A description of how the Class A pathogen reduction requirements are met.

d. A description of how the vector attraction reduction requirements are met.

e. The annual whole sludge application rate for the sewage sludge that does not cause the annual pollutant loading rates in Table 4 to be exceeded. See Appendix A to Part 503 - Procedure to Determine the Annual Whole Sludge Application Rate for a Sewage Sludge.

6. Reporting Requirements - The permittee shall report annually on the DMR the following information:

a. List Pollutant Table 4 appropriate for permittee's land application practices.

b. The frequency of monitoring listed in Element 1, Section I.C. which applies to the permittee.

c. The concentration (mg/Kg) in the sludge of each pollutant listed above in Table 1 (defined as a monthly average) found in Element 1, Section I.

d. Class A pathogen reduction Alternative used as listed in Section I.B.2.a. Alternatives describe how the pathogen reduction requirements are met.

e. Vector attraction reduction Alternative used as listed in Section I.B.3.

f. Annual sludge production in dry metric tons/year.

g. Amount of sludge land applied in dry metric tons/year.

h. Amount of sludge transported interstate in dry metric tons/year.

i. The following certification statement found in § 503.17(a)(6)(iii) shall be attached to the DMR.

"I certify, under penalty of law, that the information that will be used to determine compliance with the management practices in §503.14(e), the Class A pathogen requirement in §503.32(a), and the vector attraction reduction requirement in (insert vector attraction reduction option) was prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment".

SECTION V. DEFINITIONS FOR THIS PART

Definitions applicable to Part III can be found at 503.9 and 503.11.

PART IV

STORM WATER REQUIREMENTS

Section I. AUTHORIZATION UNDER THIS PART

A. SITE DESCRIPTION

The project consists of construction of a new wastewater treatment facility, a tribal motor pool and tribal housing.

B. AUTHORIZATION TO DISCHARGE

This Part authorizes discharges of storm water associated with industrial activity as defined at 40 CFR 122.26(b)(14)(x).

C. LIMITATIONS ON COVERAGE

The following storm water discharges are not authorized by this Part:

1. Storm water discharges that originate from the site after construction activities have been completed and the site has undergone final stabilization.

2. Non-storm water discharges or storm water discharges mixed with sources of non-storm water.

D. MODIFICATION OF PERMIT COVERAGE

The permittee shall notify EPA in writing within thirty (30) days after achieving final stabilization of the site. At such time EPA may modify this permit, as appropriate.

Section II. SPECIAL CONDITIONS

A. PROHIBITIONS

1. Prohibition on non-storm water discharges. All discharges covered by this Part shall be composed entirely of storm water.

2. Prohibition on the discharge of excessive sediments. The discharge of sediments is prohibited, except in minor amounts associated with the proper implementation of sound soil erosion and sediment control practices.

3. Discharges Not in Compliance with Water Quality Standards. Discharges covered under this Part shall not cause or contribute to a violation of a water quality standard. Where a discharge is determined to cause or contribute to the violation of an applicable Tribal or State Water Quality Standard, EPA will notify the operator of such violation(s) and the permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard, and shall document these actions in a

letter to EPA. If violations remain or recur, coverage under this permit may be terminated by EPA authority and an alternative permit may be issued. Compliance with this requirement does not preclude any enforcement activity as provided by the Clean Water Act for the underlying violation.

B. RELEASES IN EXCESS OF REPORTABLE QUANTITIES

The discharge of hazardous substances or oil in the storm water discharges shall be prevented or minimized. This Part does not relieve the permittee of the reporting requirements of 40 CFR part 117 and 40 CFR part 302. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR 117 or 40 CFR 302, occurs during a 24 hour period:

1. The permittee is required to notify the National Response Center (NRC) (800-424-8802) in accordance with the requirements of 40 CFR 117 and 40 CFR 302 as soon as he or she has knowledge of the discharge;

2. The permittee shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken to minimize the chance of future occurrences to EPA; and

3. The permittee must identify measures to prevent the recurrence of such releases and to respond to such releases.

C. SPILLS

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

Section III. STORM WATER POLLUTION PREVENTION PLAN

A. GENERAL: The permittee is required to develop and implement a Storm Water Pollution Prevention Plan in accordance with the requirements of this Section. The plan must be developed prior to the commencement of earth disturbing activities. The plan requirements must be incorporated into the project's final plans and specifications and implemented as part of the project.

B. PURPOSE: The purpose of the Storm Water Pollution Prevention Plan is to prevent sediment and other pollutants related to construction activities from entering Waters of the United States during the construction phase. The permittee shall incorporate Best Management Practices (BMPs) into the project's final plans and specifications, which are designed to meet this goal and comply with Sections III.D. and III.E. of this Part. While the general requirements are identified in Sections III.D. and III.E. of this Part, it is the permittee’s responsibility to select the appropriate BMPs which satisfy these requirements.

C. **ASSIGNING RESPONSIBILITY:** When developing bidding documents or other contracts, the permittee must identify who will implement and manage the erosion and sediment control BMPs before and during construction, and ensure that the plan will be implemented and stay in effect until the construction project is complete, the entire site has undergone final stabilization. In addition, the final plans and specifications must clearly identify who will be responsible for the maintenance requirements identified in Section III.J. of this Part.

D. **CRITERIA:**

1. Criteria for Erosion Control

a. The Permittee shall use, where possible, horizontal slope grading, construction phasing, and other construction practices that minimize the potential erosion by limiting the areal extent of exposed soils and the time of exposure of soils to precipitation and runoff the maximum extent practicable.

b. Unless precluded by snow cover, all exposed soil areas* with a continuous positive slope within 100 lineal feet from Waters of the United States, or from a curb, gutter, storm sewer inlet, temporary or permanent drainage ditch or other storm water conveyance system, which is connected to a water of the United States, shall have temporary protection (e.g., temporary seeding, straw mulch, wood fiber blanket, wood chips, and erosion netting, erosion control blanket) or permanent cover (e.g., permanent grass seeding, sodding, gravel, asphalt, concrete, etc.) for the exposed soil areas within the following time frames:

Type of Slope Temporary protection or permanent cover where the area has not been, or will not be, worked by the contractor for:

Steeper than 3:17 days

10:1 to 3:1 14 days

Flatter than 10:121 days

** For the purposes of this provision, exposed soil areas do not include stockpiles or surcharge areas of sand, gravel, aggregate, concrete or bituminous.*

c. Sodding of disturbed areas.

Areas where sod fails to become established shall be replaced during the next growing period. Sodding shall be staked as necessary to prevent sloughing (such as on steep slopes).

d. Seeding of disturbed areas. Seeding may be of the following types:

Permanent seeding, including dormant seeding. In areas of dormant seeding, follow-up seeding shall be conducted early in the next growing season to assure establishment of good coverage.

Temporary seeding. Temporary seeding may be used in order to provide a fast-growing vegetative cover prior to establishment of final vegetative stabilization

e. Maintaining the seed bed. All seeded areas shall be provided with erosion control matting, mulching, or similar protection until vegetation is established. Mulch, matting, etc. shall be replaced as necessary to maintain adequate coverage and to minimize the potential for erosion.

f. The bottom of any temporary or permanent drainage ditch constructed to drain water from a construction site must be stabilized within 100 lineal feet from a water of the United States. Stabilization must be initiated within 24 hours of connecting the drainage ditch to a water of the United States, an existing gutter, storm sewer inlet, drainage ditch, or other storm water conveyance system which discharges to Waters of the United States and completed within five calendar days.

g. Prior to connecting any pipe to a water of the United States or drainage ditch, the pipe's outlet must be provided with temporary or permanent energy dissipation to prevent erosion.

2. Criteria for Sediment Control

a. Sediment control best management practices (BMPs), which prevent sediment from entering Waters of the United States, gutters, storm sewer inlets, ditches or other storm water conveyance system, shall be established on all down-gradient perimeters before any up-gradient land disturbing activities begin, and shall remain in place until final stabilization has been established.

b. The Permittee shall minimize vehicle tracking of sediment or soil off-site at locations where vehicles exit the construction site onto paved surfaces.

c. Where 10 or more contiguous acres of exposed soil are contributing to a discernible point of discharge, temporary sedimentation basins must be provided prior to the runoff leaving the construction site or entering Waters of the United States.

These sedimentation basins shall comply with the following:

1) Basins shall provide 1800 ft^3 of hydraulic storage/acre

drained, below the outlet pipe. For roadways, the use of adjacent drainage ditches with riser pipes to accomplish this is acceptable.

2) Basin outlets shall be designed to prevent short circuiting and the discharge of floating debris. The outlet should consist of a perforated riser pipe wrapped with filter fabric covered with crushed gravel. The perforated riser pipe should be designed to allow complete basin drawdown.

3) Temporary sedimentation basins, are recommended, but not required for situations in which:

a) Work on existing roadways where the 10 acre disturbed common drainage area is served by an existing storm sewer which is daylighted off the road's right-of-way, or,
b) proximity to bedrock or vertical relief precludes it, or,
c) final stabilization will be established within 30 days of the initiation of construction activity.

3. Criteria for Other Controls

The Storm Water Pollution Prevention Plan shall include a description of construction and waste materials, fuels, chemicals or other materials expected to be stored onsite which have a potential to be discharged in storm water or otherwise be discharged to Waters of the United States. The Storm Water Pollution Prevention Plan shall include a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to storm water and spill prevention and response measures.

E. PLAN CONTENTS

The Storm Water Pollution Prevention Plan, if developed as a document separate from the project's final plans and specifications, must be prepared for the proposed project. The plan must contain appropriate BMPs which comply with Sections III.D. and III.E. of this Part and contain standard plans and/or specifications of these BMPs.

1. Standard plans and/or specifications must be provided for all BMPs, selected by the designer to be used on the project, and at a minimum, must include the following:

a. perimeter sediment controls, such as silt fences
b. placement and type of temporary cover such as mulch, geotextiles, temporary seeding, etc.

2. Where applicable, standard plates and/or specifications must also be provided for the following:

a. horizontal slope grading
b. proposed stabilized vehicle entrances
c. temporary sedimentation basins
d. storm sewer pipe outlet energy dissipation

e. storm sewer inlet control
f. erosion and sediment control requirements for stockpile areas

F. FINAL PLANS AND SPECIFICATIONS

The above standard plans and/or specifications are to be incorporated into the project's final plans and specifications. In addition, the final plans and specifications shall clearly denote:

1. Location and type or the procedures to establish the location and type of all erosion and sediment control BMPs.

2. Existing and final grades, including dividing lines and direction of flow for all storm water runoff drainage areas located within the project limits.

3. Locations of areas not to be disturbed or areas where construction will be staged to minimize duration of exposed soil areas.

4. All Waters of the United States, including existing wetlands identified on the National Wetlands Inventory Map, within one-half mile from the exposed construction area which will receive direct storm water runoff from the construction site during construction.

Where Waters of the United States, including wetlands, which will receive the direct runoff will not fit on a plan sheet, they shall be identified with an arrow, indicating both direction and distance.

5. Timing for installation of all erosion and sediment control BMPs required in
Section III.D of this Part.

G. PLAN RETENTION

The owner shall keep a copy of the Storm Water Pollution Prevention Plan and all changes to it for three years after completion of the construction project.

H. CHANGES TO THE STORM WATER POLLUTION PREVENTION PLAN

Changes in the plan made during construction to accommodate phased construction, sequenced work, timing issues, or changed site conditions are allowable provided
Section III of this Part is complied with.

I. INSPECTIONS AND MAINTENANCE

1. Except where work has been suspended due to frozen ground conditions, the Permittee(s) shall inspect the construction site once every seven (7) days and within 24 hours after every rain event which results in runoff leaving the construction site or entering Waters of the United States. The permittee shall investigate and comply with the following inspection and

maintenance requirements:

a. Inspection Requirement: All erosion and perimeter sediment control BMPs shall be inspected to ensure integrity and effectiveness.
Maintenance Requirement: All nonfunctional perimeter sediment control BMPs (including those in which the sediment has reached 1/3 of the storage height), shall be repaired, replaced, or supplemented with functional BMPs within 24 hours of discovery. All nonfunctional erosion control BMPs shall be repaired, replaced, or supplemented with functional BMPs as soon as field conditions allow access.

b. Inspection Requirement: All temporary sedimentation basins to ensure effectiveness.
Maintenance Requirement: When the depth of sediment collected in the basin reaches ½ the height of the riser, or ½ the storage volume, the basin shall be drained and the sediment removed. Drainage and removal shall be completed within 72 hours of discovery, or as soon as field conditions allow access.

c. Inspection Requirement: Drainage ditches and other Waters of the United States for evidence of sediment leaving the site.
Maintenance Requirement: Unless the project has received approval or certification for depositing fill into Waters of the United States, the Permittee shall remove all deltas and sediment deposited in drainage ways, catch basins, or Waters of the United States, and restabilize the areas where sediment removal results in exposed soil. The removal and stabilization shall take place within seven (7) days of discovery unless precluded by legal, regulatory, or physical access restraints. If precluded, removal and stabilization must take place within seven calendar days of obtaining access. The Permittee is responsible for contacting all local, regional, state and federal authorities prior to working in Waters of the United States, and receiving any applicable permits.

d. Inspection Requirement: Construction site vehicle exit locations for evidence of off-site sediment tracking onto paved surfaces.
Maintenance Requirement: Tracked sediment shall be removed from paved surfaces, which do not drain back into the construction site, within 24 hours of discovery.

2. Where parts of the construction site have undergone final stabilization, but work remains on other parts of the site, inspections of the stabilized areas may be reduced to once per month.

3. Where work has been suspended due to frozen ground conditions, the inspections and maintenance required in Section III.J. above shall take place as soon as weather conditions warrant or prior to resuming construction.

4. Unless required to remain in place by the owner or local permitting authority, all temporary synthetic, structural, and nonbiodegradable erosion and sediment control BMPs shall be removed after the site has undergone final stabilization.

5. After the entire project has undergone final stabilization, all temporary sedimentation basins to be used as permanent water quality management

basins must be cleaned out by the Permittee to provide the sediment storage capacity required in Section IV. Permittees are responsible for the maintenance of water quality management BMPs until construction is complete, the site has undergone final stabilization, and a Notice of Modification has been submitted to the Agency.

J. REPORTING

All inspections shall be documented by a written report which shall contain all of the following:

1. Date(s) of the inspection

2. Any comments concerning the effectiveness of in-place erosion control and vegetation measures

3. Any reasonable corrections needed to maintain or increase the effectiveness of existing erosion controls and vegetation measures

K. RECORDS

1. The project's final plans and specifications which incorporate the requirements of the Storm Water Pollution Prevention Plan and Post-Construction Storm Water Management Plan must be:

   a. available at the construction site in either the field office, or, inspector's vehicle, or contractor's vehicle, and,

   b. available to Federal, State, tribal and local officials for inspection for the duration of this permit.

2. The following plans/records must be made available to Federal, State and local officials within 24 hours of request for the duration of the permit:

   a. Storm Water Pollution Prevention Plan developed in accordance with Section III. of this Part (if a separate document from the project's final plans and specifications).

   b. Post-construction Storm Water Management Plan developed in accordance with
   Section IV. of this Part.

   c. Records of all inspections (see Section III.J.). Records shall include:
      1) Date and time of inspections,
      2) Findings of inspections,
      3) Corrective actions taken (including dates and times)
      4) Documentation of changes to the Storm Water Pollution Prevention Plan made during construction.

   d. Date of all rainfall events.

Section IV. **POST CONSTRUCTION STORM WATER MANAGEMENT PLAN**

The permittee is required to develop a Post-Construction Storm Water Management

Plan
in accordance with the requirements of this part. The plan must be incorporated into the project's
final plans and specifications and implemented as part of the project.

A. GOAL

The goal of the Post-Construction Storm Water Management Plan is to protect Tribal and Minnesota water resources from pollutants generated from a project's ultimate development's impervious surfaces, change in land use, or changed ground cover.

B. ASSIGNING RESPONSIBILITY

When developing bidding documents or other contacts, the owner must identify who will maintain the water quality management BMPs until construction is complete, all maintenance activities required in Section III.J. are complete, the site has undergone final stabilization, and a Notice of Modification has been submitted to the Agency.

C. PLAN CONTENTS

The Post-Construction Storm Water Management Plan must be prepared for the proposed project, and may be developed as a separate document from the final plans and specifications. The plan must contain appropriate BMPs which satisfy the above goal, and contain standard plans and/or specifications of these BMPs. These standard plans and specifications must be incorporated into the project's final plans and specifications. At a minimum, the plan must contain:

1. Land feature changes (in acres) for both before and after construction:

   a. Total project area;
   b. Total impervious surface area of project;
   c. Total pervious area of project;
   d. Total estimated impervious surface area of ultimate development;
   e. Total estimated pervious area of ultimate development;

2. Standard plans and/or specifications of permanent erosion and sediment control BMPs below:

   a. Sediment Control

   Where a project's ultimate development replaces surface vegetation with one or more acres of cumulative impervious surface and all runoff has not been accounted for in a local unit of government's existing storm water management plan or practice, the runoff shall be discharged to a wet sedimentation basin prior to entering Waters of the United States.

   1) Proposed Development

   Except as provided in 2) below ("Reconstruction or Work on Existing

Roadways"), the wet sedimentation basin shall be based on the project's ultimate development and comply with the following requirements:

a) The basin's hydraulic volume shall be sufficient to capture a ½ inch of runoff from the impervious watershed area.
b) Basins shall also provide a minimum of 250 $ft.^3$ dead sediment storage volume below the basin's hydraulic volume/impervious acre drained.
c) Basin inlets shall be placed above the sediment storage volume.
d) Basin outlets shall be designed to remove all suspended solids greater than five microns with a settling velocity of 1.3×10^{-4} ft/sec.
e) Basin outlets shall also be designed to prevent short circuiting and the discharge of floating debris.
f) Basins must provide spillways to accommodate storm events in excess of the basin's hydraulic design.

2) Reconstruction or Work on Existing Roadways

While recommended, the above provision will not be required for work on existing roadways where:

a) the drainage area is served by an existing storm sewer which is daylighted off the road's right-of-way or,
b) proximity to bedrock or vertical relief precludes it, or,
c) existing right-of-way precludes it.

For these situations, however, the Permittee will be required to incorporate other sedimentation or treatment devices (i.e., grass swales, smaller sediment basins, etc.).

b. Permanent Erosion Control

1) All drainage ditches constructed to drain water from the site after construction is complete must be stabilized.

2) All pipe outlets must be provided with permanent energy dissipation where the pipe's outlet velocity will exceed the permanent cover's erosive velocity.

c. Treatment

The owner is required to provide treatment of storm water through the use of BMPs such as grass swales, wetlands constructed for the purpose of treating storm water, and the planting or development of emergent vegetation around the perimeter of the wet sedimentation basin's sediment storage volume.

D. FINAL PLANS AND SPECIFICATIONS

The above standard plans and/or specifications are to be incorporated into the project's final plans and specifications. In addition, the final plans and specifications shall clearly denote:

1. Location and type of all permanent erosion and sediment control BMPs.

2. The plan sheets must clearly identify all Waters of the United States, including wetlands identified on the National Wetlands Inventory Map within and one-half mile from the construction area which will receive direct storm water runoff from the construction site after construction is complete.

   Where the Waters of the United States which will receive the direct runoff and will not fit on the plan sheet, the resource shall be identified with an arrow, indicating both direction and distance.

3. Methods to be used for final stabilization of all exposed soil areas. For linear utility and roadway projects, final stabilization is not required on agricultural land which will be tilled within one year of project completion.

E. PLAN RETENTION

The owner shall keep a copy of the Post-Construction Storm Water Management Plan and all changes to it for three years after completion of the construction project.

F. CHANGES TO THE POST-CONSTRUCTION STORM WATER MANAGEMENT PLAN

Changes in the plan made during construction to accommodate changed site conditions are allowable provided all of this Part are complied with.

Section IV. RETENTION OF RECORDS

A. DOCUMENTS:

The permittee shall retain copies of all reports required by this permit and records of all data used to complete the application to be covered by this permit, for a period of at least three years from the date the site is finally stabilized.

B. ADDRESS:

All written correspondence concerning discharges from the facility covered under this permit shall be directed to:

Water Enforcement and Compliance Assurance Branch (WC-15J)
United States Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604

Section V. DEFINITIONS FOR THIS PART

A. "Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) Public Law 92-500, as amended, 33 U.S.C. 1251 et seq.

B. "Director" means the Director, Water Division, EPA, Region V, or a designated representative.

C. "Hazardous Substance" means any substances designed under 40 CFR Part 116

pursuant to Section 311 of the Clean Water Act.

D. “Permanent stabilization” means the establishment of permanent vegetative or non-vegetative cover.

E. “Storm water” means storm water runoff, snow melt and surface runoff and drainage.

F. “Temporary stabilization” means the establishment of temporary vegetative cover as an interim measure to prevent erosion during the period before permanent stabilization can be accomplished, or during periods prior to final grading.

G. “Toxic Pollutant” means any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act.